



The New York Times
Company

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VIA ECF

The Honorable James L. Cott
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *The New York Times Co. et al. v. Department of Education*, No.
19-cv-693 (LTS) (JLC)

Dear Judge Cott:

I represent Plaintiffs The New York Times Company and Erica Green (together, “The Times”) in this Freedom of Information Act (“FOIA”) action against the U.S. Department of Education (“DOE”). As indicated in the parties’ February 5, 2020 joint letter, *see* ECF No. 21, I write on behalf of all parties to provide the Court with a status update.

The parties seek to proceed directly to summary judgment briefing. Plaintiffs have agreed to exclude from this litigation responsive materials not yet produced by DOE, and to narrow the issues for summary judgment to redactions and withholdings made pursuant to Exemption 5 and Exemption 7 in DOE’s December 2 production.

The parties jointly propose the following schedule below. This proposed schedule also accounts for time necessary for relevant DOE employees to prepare declarations in support of any motion for summary judgment.

- DOE’s motion for summary judgment shall be due by April 17, 2020

- The Times's response and cross-motion for summary judgment shall be due by May 18, 2020
- DOE's response to the cross-motion and reply shall be due by June 8, 2020
- The Times's reply shall be due by June 29, 2020

The parties thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Alexandra Perloff-Giles

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